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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,569	11/06/2000	Paul E. Bender	PA000028	9667
23696	7590	06/06/2005	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			TRAN, TUAN A	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/707,569

Applicant(s)

BENDER, PAUL E.

Examiner

Tuan A. Tran

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-49, 58 and 59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49, 58 and 59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-49 and 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyers et al. (EP 1001572) in view of Kanterakis et al. (2004/0057397).

Regarding claim 41, Meyers discloses a system and method of establishing a connection between an access terminal and an access network of a wireless communications network utilized CDMA (See fig. 3), comprising: receiving a first portion (preamble) of an access probe from the access terminal; receiving data rate control information from the access terminal; and transmitting a combined message (CAM) to the access terminal at a data rate based on the data rate control signal, wherein the combined message is inherently an access probe acknowledgement message and further comprises a traffic channel assignment message and a reverse traffic channel acknowledgement (See figs. 1, 3 and col. 2 line 35 to col. 3 line 16, col. 3 lines 28-39, col. 4 lines 41-56). However, Meyers does not mention that the access network transmit a fast access indicator to the access terminal after detecting the first portion of the access probe and comparing the first portion of the access probe to a threshold

value. Kanterakis teaches a method and apparatus for establishing a connection between an access terminal 35 and an access network 31, 32, 33 of a CDMA wireless communications network (See figs. 1, 3-4), wherein the access network 31, 32, 33 transmit a fast access indicator (ACK) to the access terminal 35 after detecting the first portion of the access probe and comparing the first portion of the access probe to a threshold value (See figs. 5-7 and page 3 [0047-0052], page 4 [0057-0059]). Since, both Meyers and Kanterakis teach about access method and apparatus for establishing a connection between the access terminal and the access network that utilized CDMA; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Kanterakis in modifying the Meyers' system for the advantage of providing a time efficiency and properly process during the connection setup stage between the access terminal and network.

Claims 1, 7-10, 14, 16-20, 21, 29 and 35-37 are rejected for the same reasons as set forth in claim 41.

Claims 58-59 are rejected for the same reasons as set forth in claim 41, as apparatus.

Regarding claim 42, Meyers & Kanterakis disclose as cited in claim 41. The fast access indicator (ACK) as disclosed by Kanterakis, inherently comprises at least 1 bit.

Claims 2, 22 and 30 are rejected for the same reason as set forth in claim 42.

Regarding claims 43-46, Meyers & Kanterakis disclose as cited in claim 41. The wireless communication system as disclosed by Meyers & Kanterakis, utilizes CDMA

protocol wherein communication signals are spreading and de-spreading using Walsh codes having a length of 32 or 64 chips.

Claims 3-6, 15, 23-25 and 31-34 are rejected for the same reasons as set forth in claims 43-46.

Regarding claim 47, Meyers & Kanterakis disclose as cited in claim 41. Kanterakis further discloses the first portion of an access probe is received on a first access channel of a plurality of fast access channels that are staged in time, and wherein the fast access indicator is transmitted during a fast access indicator slot immediately following the first portion (See figs. 5-7 and page 3 [0044-0048]).

Claims 11, 26 and 38 are rejected for the same reasons as set forth in claim 47.

Regarding claims 48-49, Meyers & Kanterakis disclose as cited in claim 41. Kanterakis further discloses the first portion of an access probe is received on the first access channel of a plurality of access channels of the wireless communications system utilized CDMA, wherein received uplink signals are de-spreading using different PN long codes having long code mask based on the system time value.

Claims 12-13, 27-28 and 39-40 are rejected for the same reasons as set forth in claims 48-49.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- Needham (6,188,767); Gutierrez, Jr (2003/0110440); Woodmansee (2003/0095513); Hall (2002/0172180); Chen (6,687,233); Moore (6,075,989).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-49 and 58-59 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan Tran** whose telephone number is **(571) 272-7858**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Vivian Chin**, can be reached at **(571) 272-7848**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

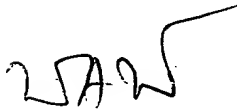
**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

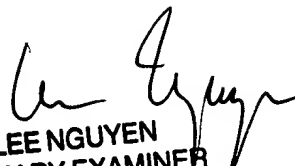
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Tuan Tran

AU 2682



LEE NGUYEN  
PRIMARY EXAMINER